

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jamison Gregory,)	
)	C/A No. 8:19-2102-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Andrew Saul, Commissioner of)	
Social Security,)	
)	
Defendant.)	
)	

Plaintiff Jamison Gregory filed the within action on July 29, 2020, seeking judicial review of a final decision of Defendant Commissioner of Social Security Administration denying Plaintiff's claim for social security disability and supplemental security income.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. On June 15, 2020, the Magistrate Judge issued a Report and Recommendation. The Magistrate Judge stated that the ALJ failed to weigh medical opinions in accordance with the treating physician rule. Given that the administrative process has been ongoing for nearly nine years and the case has been reversed and remanded three times, the Magistrate Judge recommended that the case be reversed and remanded to the agency with the direction to award disability insurance benefits. On June 29, 2020, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The Commissioner’s decision is reversed pursuant to sentence four of 42 U.S.C. § 405(g) and remanded with directions to award disability insurance benefits for the reasons set forth herein and in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

July 8, 2020